



PATENT

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Serial No.: 09/808,567)
Filed: March 14, 2001)
Art Unit: 3731)
Examiner: Glenn K. Dawson)
For: BREATHING)
ASSISTANCE)
APPARATUS)
Applicant: SEAKINS et al.)
Atty Docket No.: 1171/39258/92)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: January 10, 2005

Tiffany E. Sexton
Tiffany E. Sexton

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AFTER MAILING
OF THE NOTICE OF ALLOWANCE BUT BEFORE PAYMENT OF THE ISSUE FEE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant submits the present Supplemental Information Disclosure Statement. A copy of the listed references are included herewith. This Supplemental Information Disclosure Statement and the enclosures constitute a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

Applicant first became aware of some of the references cited in this Supplemental Information Disclosure Statement through a European Search Report dated April 31, 2004, copy enclosed, which issued in a corresponding European application. The rest of the cited references were cited by the Examiner in an Office Action dated October 19, 2004, which issued in connection with corresponding United States patent application Serial No. 10/746,730.

European Patent No. 556561 and German Patent Nos. 3629353 and 3311811 are not in the English language, therefore, attached thereto are English abstracts of each.

The Supplemental Information Disclosure Statement transmitted herewith is being filed after a Notice of Allowance under §1.311, but before the payment of the issue fee. Therefore, Applicant requests that this Supplemental Information Disclosure Statement be placed in the file in accordance with 37 C.F.R. 1.97(i).

In accordance with 37 C.F.R. §1.97, the presentation of this information shall not be construed as a representation that no other material information as defined in 37 C.F.R. §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Applicant believes that a fee is not required for this submission. If the Commissioner believes that a fee is required, the Commissioner is authorized to such fee to Deposit Account No. 20-1495.

Respectfully submitted,

Dated: January 10, 2005

By: 

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Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for ~~Ch.~~ 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
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Application Number	09/808,567
Filing Date	March 14, 2001
First Named Inventor	Seakins
Art Unit	3731
Examiner Name	Glenn K. Dawson
Attorney Docket Number	1171/39258/92

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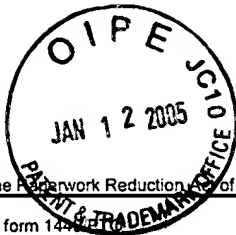
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent/D ocument	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				
		EP 1138341	10/04/2001	Seakins		
		GB 2277689	11/09/1994	Turner		
		EP 556561	08/25/1993	Eilentropp		
		DE 3629353	01/07/1988	Kleinschmidt		
		DE 3311811	10/04/1984	Hirtz		
		WO 02/32486	04/25/2002	Blackhurst		

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449 (Rev. 10/99)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/808,567
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First Named Inventor	Seakins
Art Unit	3731
Examiner Name	Glenn K. Dawson
Attorney Docket Number	1171/39258/92

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		United States Patent Application Publication No. 2002/0124847 A1; Publication Date September 12, 2002; Inventor: Smith et al.; Entitled: Humidified Gases Delivery Apparatus	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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